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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,602	07/28/2003	Franklin B. Jones	CPW-003	4649
32836	7590	01/24/2005	EXAMINER	
GUERIN & RODRIGUEZ, LLP 5 MOUNT ROYAL AVENUE MOUNT ROYAL OFFICE PARK MARLBOROUGH, MA 01752			LAZO, THOMAS E	
			ART UNIT	PAPER NUMBER
			3745	

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/628,602

Applicant(s)

JONES ET AL.

Examiner

Thomas E. Lazo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/28/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 5, 6-12, and 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Loraas et al. (5,957,213). Loraas et al. discloses an apparatus for controlling an actuator system with an electrical actuator 204 in hydraulic communication with a hydraulic actuator 200 and a hydraulic source 230, an electrical power source (inherent battery), a digital controller module 240 in electrical communication with the source of electrical power to receive power therefrom and in electrical communication with the electrical actuator 204, a transceiver 258 in communication with the controller module 240, a remote controller module 224 in communication with a remote transceiver 236, an operator control module 228 in communication with the remote controller module 224, a proximity switch sensor 252 in communication with the controller module 240, wherein the transceiver 258 is adapted for wireless communication with a remote transceiver 236, the wireless communication includes transfer of control data and feedback data with the remote transceiver 236, the controller module 240 sends a control signal to the electrical actuator 204 in response to control data received from the remote transceiver

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236. Controlling the operation of the top drive has been considered an intended use and not a limitation to the claims.

Claims 20-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Prokop et al. (6,510,902). Prokop et al. discloses a method of controlling an actuator system having a hydraulic actuator 3, by providing a hydraulic flow 11 to the actuator system, generating electrical power 32,33 from the hydraulic flow at the actuator system, receiving a data signal from a remote wireless transceiver 31, controlling the hydraulic actuator 3 in response to the received data signal and the electrical power 33, transmitting a data signal from the actuator system to the remote wireless transceiver 31, wherein the received data signal comprises control data the transmitted data signal comprises sensor data S, the sensor data is indicative of one of actuator speed, hydraulic flow rate, temperature, position and component binary state.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loraas et al. in view of Prokop et al. Loraas et al. discloses all of the claimed subject matter except for the electrical power source being a hydraulic motor in the actuator system that drives an alternating current (AC) generator, a boost rectifier in electrical communication with the AC generator.

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Prokop et al. teaches for an apparatus for controlling an actuator system with an electrical actuator in hydraulic communication with a hydraulic actuator and a hydraulic source, and that there is an electrical power source comprised of a hydraulic motor in the actuator system that drives an alternating current (AC) generator for the purposes of power the controller modules.

Regarding claims 4 and 14 official notice is taken that a boost rectifier in electrical communication with the AC generator is common in electrical power generation. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to further modify the electrical power source of Loraas et al. to include a boost rectifier in electrical communication with the AC generator as a matter of engineering expedience.

Since Loraas et al. and Prokop et al. are both actuator controlling systems, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the electrical power source of Loraas et al., based on the teachings of Prokop et al., to be a hydraulic motor in the actuator system that drives an alternating current (AC) generator with a boost rectifier for the purposes of power the controller modules.

#### ***Prior Art***

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consists of two patents.

Schultz et al. (6,691,435), Domann (6,662,881) is cited to show the actuator controlling systems with wireless transceivers and batteries for electrical power.

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***Contact Information***

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thomas Lazo whose telephone number is (571) 272-4818. The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Edward Look, can be reached on (571) 272-4820. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to status of this application or proceeding should be directed to the Patent Application Information Retrieval (PAIR) system. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.



Thomas E. Lazo  
Primary Examiner  
Art Unit 3745

TEL  
January 19, 2005